



Robert S. Peters
Secretary

COMMONWEALTH OF KENTUCKY
PERSONNEL CABINET
200 FAIR OAKS LANE
5TH FLOOR
FRANKFORT, KENTUCKY 40601

Paul E. Patton
Governor

June 3, 1996

MEMORANDUM

PERSONNEL MEMO 96 - 5

TO: Cabinet Secretaries
Agency Heads
Personnel Executives

FROM: Robert S. Peters *RSP*
Secretary

SUBJECT: Personnel Regulation Amendments
101 KAR 1:325, 101 KAR 2:036 & 101 KAR 3:045

The following regulatory amendments are transmitted with this memorandum:

- 101 KAR 1:325 was amended March 7, 1996 to delete the MVE Trainee and Forest Guard/Ranger series from the list of 12 month probationary classifications because those classes have been abolished. Added to the list of 12 month probationary classifications were: Forest Resource Advisor, Forestry Fire Management Program Coordinator and Forestry Resource Education Program Coordinator. The following class titles were changes as indicated below:

Mounted Security Officer Trainer--Mounted Security Officer Trainee;

Education Teacher Rank III--Vocational Rehabilitation Teacher Rank III;

Education Teacher Rank II--Vocational Rehabilitation Teacher Rank II;

Education Teacher Rank I--Vocational Rehabilitation Teacher Rank I.

- **101 KAR 2:036 was amended to provide an educational achievement award for classified employees who have or will complete the Certified Public Manager Course through the Governmental Services Center at Kentucky State University in an amount equal to 10% of salary or \$2,500.00, whichever is less. The amount of the award will be calculated from the date the program was successfully completed.**
- **101 KAR 3:045 was amended to provide an identical educational achievement award for unclassified employees as was created by the amendment to 101 KAR 2:036.**

If you have any questions regarding these regulations, please call Dan Egbers at (502) 564-4460.

RSP/DFE/lw

Attachments

**KENTUCKY
ADMINISTRATIVE REGULATIONS**

	<u>REMOVE</u>	<u>INSERT</u>
101 KAR 1:325	1 - 3	1 - 3
101 KAR 2:036	22 - 26.1	22 - 26.1
101 KAR 3:045	71 - 72	71 - 72

101 KAR 1:325

PROBATIONARY PERIODS.

RELATES TO: KRS 18A.075, 18A.0751, 18A.111

STATUTORY AUTHORITY: KRS 18A.0751
NECESSITY AND FUNCTION: KRS 18A.075
 requires the Personnel Board to promulgate comprehensive administrative regulations consistent with the provisions of KRS 18A.005 to 18A.200. KRS 18A.0751 specifies that the Personnel Board promulgate comprehensive administrative regulations for the classified service governing probation. KRS 18A.111 relates specifically to probationary periods.

SECTION 1. INITIAL PROBATIONARY PERIOD.

(1) The initial probationary period shall be computed from the effective date of appointment to the corresponding date in the sixth or 12th month, depending upon the length of initial probationary period, except as provided in KRS 18A.111.

(2) The following job classifications shall require an initial probationary period in excess of six (6) months:

TITLE CODE	JOB CLASSIFICATION	LENGTH OF INITIAL PROBATION- ARY PERIOD
2001	Fish and Wildlife Conservation Officer Trainee	12 months
2112	DES Duty Officer	12 months
2113	DES Duty Officer Senior	12 months
2306	Park Ranger	12 months
2312	Park Ranger Captain	12 months
2401	Police Communications Dispatcher	12 months
2403	Police Communications Dispatcher Senior	12 months
2404	Police Communications Dispatcher Coordinator	12 months

2405	Police Communications Dispatcher Supervisor	12 months
2408	MVE Trainee	12 months
2480	Water Patrol Officer	12 months
2493	Mounted Security Office	12 months
2494	Mounted Security Sergeant	12 months
2495	Mounted Security Captain	12 months
2496	Mounted Security Officer Trainee	12 months
3254	Boiler Inspector Trainee	12 months
3416	Financial Institution Examiner Trainee	12 months
3601	Alcoholic Beverage Enforce- ment Officer	12 months
3734	Assessment Conference Officer	12 months
5120	Student Development Trainee	12 months
5141	Vocational Rehabilitation Teacher Rank III	12 months
5142	Vocational Rehabilitation Teacher Rank II	12 months
5143	Vocational Rehabilitation Teacher Rank I	12 months
6248	Residential Facility Superintendent I	12 months
6250	Residential Facility Superintendent III	12 months
6252	Residential Facility Superintendent II	12 months
7213	Forestry District Equipment Supervisor	12 months
7215	Nursery Foreman	12 months
7217	Nursery Superintendent	12 months
7221	Forester	12 months
7222	Forester Senior	12 months
7224	Forester Chief	12 months
7226	Forester District	12 months
7228	Forester Regional	12 months
7231	Rural Fire Suppression Technical Advisor	12 months
7232	Forestry Program Specialist	12 months
7233	Forestry Program Coordinator	12 months
7235	Forestry Program Manager	12 months
7250	Forest Ranger Technician	12 months
7251	Forest Ranger Technician Senior	12 months
7252	Forest Ranger Technician Chief	12 months
7253	Forest Ranger Technician District	12 months
7255	Forest Resource Advisor	12 months
7257	Forestry Fire Management Program Coordinator	12 months
7259	Forestry Resource Education Program Coordinator	12 months
9859	Environmental Administrative Hearing Officer	12 months

(3) If the length of the initial probationary period for a job classification is changed, an employee serving an initial probationary period on the effective date of the change shall serve the shorter of the initial probationary periods. When the employee is appointed, the employee's appointing authority shall advise the employee of the period of his initial probation.

(4) When an employee is appointed to a position from a competitive register, such appointment shall be considered as an initial appointment.

(5) Effective July 1, 1991, the following job classifications in the Department of Education shall require an initial probationary period in excess of six (6) months:

TITLE CODE	JOB CLASSIFICATION	LENGTH OF INITIAL PROBATION- ARY PERIOD
5303	Exceptional Children Consultant I	12 months
5304	Exceptional Children Consultant II	12 months
5305	Exceptional Children Program Manager I	12 months
5306	Exceptional Children Program Manager II	12 months
5309	Education Academic Program Consultant I	12 months
5310	Education Academic Program Consultant II	12 months
5311	Education Academic Program Manager I	12 months
5312	Education Academic Program Manager II	12 months
5313	Education Administration Program Consultant I	12 months
5314	Education Administration Program Consultant II	12 months
5315	Education Administration Program Manager I	12 months
5316	Education Administration Program Manager II	12 months
5321	Education Facilities Program Consultant	12 months
5323	Education Facilities Program Manager	12 months

5324	Education Instructional Services Advisor	12 months
5325	School Accreditation Evaluator	12 months
5327	School Accreditation Evaluation Manager	12 months
5329	School Food Services Program Consultant	12 months
5330	School Food Services Program Coordinator	12 months
5331	School Food Services Program Manager	12 months
5337	Education Financial Analyst	12 months
5341	Education Health/P.E. Program Consultant I	12 months
5342	Education Health/P.E. Program Consultant II	12 months
5343	Education Reading Program Consultant I	12 months
5344	Education Reading Program Consultant II	12 months
5345	Education Social Studies Program Consultant I	12 months
5346	Education Social Studies Program Consultant II	12 months
5347	Education Science Program Consultant I	12 months
5348	Education Science Program Consultant II	12 months
5349	Education Language Arts Program Consultant I	12 months
5350	Education Language Arts Program Consultant II	12 months
5351	Education Math Program Consultant I	12 months
5352	Education Math Program Consultant II	12 months
5353	Education Primary Program Consultant I	12 months
5354	Education Primary Program Consultant II	12 months
5355	Education Vocational Program Consultant I	12 months
5356	Education Vocational Program Consultant II	12 months

SECTION 2. PROMOTIONAL PROBATIONARY PERIOD.

(1) An employee who satisfactorily completes the promotional probationary period shall be granted status in the position to which he has been promoted. Unless an employee receives notice prior to the end of his promotional probationary period that he

has failed to satisfactorily complete the promotional probationary period and that he is being reverted, the employee shall be deemed to have served satisfactorily and shall acquire status in the position to which he has been promoted.

eff. 3-8-89; 16 Ky.R. 372; eff. 10-11-89; 2439; eff. 7-12-90; 17 Ky.R. 1114; eff. 11-14-90; 2755; 3104; eff. 4-10-91; 18 Ky.R. 82; eff. 9-6-91; 19 Ky.R. 961; eff. 12-9-92; 21 Ky.R. 1361; eff. 12-14-94; 22 Ky.R. 1332; eff. 3-7-96.)

(2) An employee who fails to satisfactorily complete a promotional probationary period shall be reverted to his former position or to a position in the same job classification as his former position. If an employee fails to satisfactorily complete a promotional probationary period, he shall be notified in writing at least ten (10) working days prior to the effective date of his reversion. The notification shall advise the employee of the effective date of reversion. When the employee is notified, copies of the notice of reversion shall be forwarded to the Commissioner of Personnel on the same date notice is delivered to the employee.

(3) The promotional probationary period shall be computed from the effective date of promotion to the corresponding date in the sixth month following promotion, except as provided in KRS 18A.111.

SECTION 3. PROBATIONARY PERIOD UPON REINSTATEMENT.

An employee who is reinstated, except an employee ordered reinstated pursuant to KRS 18A.111(3), to a position in the classified service no later than twelve (12) months after the beginning of a break in service shall be reinstated with status. An employee who is reinstated to the classified service more than twelve (12) months after a break in service, except an employee ordered reinstated pursuant to KRS 18A.111(3), shall serve an initial probationary period. (13 Ky.R. 393; eff. 9-4-86; Am. 899; eff. 12-2-86; 1709; eff. 5-14-87; 14 Ky.R. 831; eff. 12-11-87; 15 Ky.R. 266; 950; eff. 9-14-88; 1659; 2148;

101 KAR 2:036

COMPENSATION PLAN AND PAY INCENTIVE SYSTEMS.

RELATES TO: KRS 18A.030, 18A.110, 18A.165

STATUTORY AUTHORITY: KRS 18A.110(1)(c), (d), (g), (7)

NECESSITY AND FUNCTION: KRS 18A.110 requires the Commissioner of Personnel to promulgate comprehensive administrative regulations consistent with the provisions of KRS Chapter 18A, which govern the pay plan for all employees in the classified service. This administrative regulation is to assure uniformity and equity in administration of the pay plan in accordance with statutory requirements.

SECTION 1. APPOINTMENTS

(1) Initial appointment shall be made at the minimum rate of the pay grade established for the job classification unless the commissioner authorizes a higher rate due to recruitment difficulties or the appointment of a highly qualified applicant at a rate above the minimum.

(2) An appointing authority may, due to difficulty in recruiting a specifically qualified applicant or applicants, request the appointment of an applicant at a salary not to exceed the midpoint provided all other agency employees with the similar qualifications in the same job class and work county shall have their salaries adjusted by the appointing authority to that rate.

(3) An appointing authority may also request that a highly qualified applicant be

given increased credit for relevant education and experience that is beyond the minimum requirements established for the job classification. The maximum allowable rate shall be five (5) percent for each year the applicant's education and experience exceeds the minimum requirements but the maximum number of years for which credit may be allowed shall not exceed four (4) years of relevant education or experience in excess of the minimum requirements. If approved by the commissioner, the appointing authority shall raise the salaries of all agency employees in the same job classification and work county to the same rate if they possess qualifications similar to those of the applicant.

SECTION 2. REENTRANCE TO STATE SERVICE

(1) Appointing authorities, with the approval of the commissioner, may place reemployed, reinstated, or former employee probationally appointed at a salary:

(a) Which is the same as that paid at the time of separation from state service if such salary is within the current pay grade;

(b) Higher than that paid at the time of separation from state service due to salary schedule or pay grade adjustments;

(c) In accordance with the standards used for making new appointments; or

(d) Lower than that paid at the time of separation from the classified service if such salary is within the current pay grade.

(2) Former employees who were separated from state service by layoff and who are reinstated or reemployed in the same or a similar job classification within five (5) years from the date of layoff may receive the salary they were receiving at the time of layoff, even if such salary is above the maximum of the pay grade.

(3) Former employees reemployed, reinstated or probationally appointed to a salary:

(a) Below the midpoint of the pay grade shall be considered for a probationary increment at the time of completion of the probationary period;

(b) Which equals or exceeds the midpoint of the pay grade may be considered for a probationary increment at the time of completion of the probationary period. If such employee is not considered for an increment upon completion of the probationary period, he shall be considered for an increment at the beginning of the month following completion of twelve (12) months service from the date of reemployment, reinstatement or appointment.

SECTION 3. SALARY ADJUSTMENTS

(1) **Promotion.** An employee who is promoted shall receive a salary increase of not less than five (5) percent upon promotion. In no case shall the employee's salary be below the minimum of the higher grade following promotion. Employees completing a promotional probationary period may receive a five (5) percent promotional increase at the beginning of the month following completion of the probationary period. If the promotion is to a position which constitutes an unusual increase in the level of responsibility, the appointing authority, with the prior written approval of the commissioner, may grant upon promotion a ten (10) percent or fifteen (15) percent salary increase over the employee's previous salary. A promotional increase shall not change the employee's regular increment date.

(2) **Demotion.** An employee who is demoted may have his salary changed to a rate which is in the pay grade for the new class; this rate shall not exceed the rate which the employee was receiving prior to the demotion.

(3) **Reclassification.** An employee who is advanced to a higher pay grade through

reclassification shall receive a salary increase of five (5) percent except, that in no case shall the employee's salary after such increase be below the minimum of the new pay grade. An employee who is placed in a lower pay grade through reclassification shall receive the same salary he was receiving prior to reclassification.

(4) **Reallocation.** An employee who is advanced to a higher pay grade through a reallocation of his position may receive a salary increase of five (5) percent except, that in no case shall the employee's salary after such increase be below the minimum of the higher pay grade. An employee who is placed in a lower pay grade through reallocation shall receive the same salary he was receiving prior to reallocation.

(5) **Detail to special duty.** An employee who is approved for detail to special duty as provided by 101 KAR 2:070, Section 2, may receive a five (5) percent increase upon detail to a higher job classification, except that in no case shall the employee's salary after such increase be below minimum of the higher pay grade.

(6) **Reversion.**

(a) An employee who is reverted while serving a promotional probationary period following promotion, or following detail to special duty to a higher job classification, shall have his salary changed to the rate received prior to such promotion or detail to special duty and is entitled to all salary advancements and adjustments he would have received had he not left the job classification.

(b) An employee who is reverted to a position in the classified service from a position in the unclassified service shall have his salary changed to the rate received at the time he left the classified service and is entitled to all salary advancements and adjustments he would have received had he not left the classified service.

(c) If an employee's salary is adjusted as the result of participation in a pilot program authorized by KRS 18A.400 through 18A.445, that salary shall not be reduced as long as he is employed by the agency, except as authorized by an action for demotion or reversion.

(7) **Pay grade changes.** An employee who is advanced to a higher pay grade through a class reevaluation and grade adjustment under Section 7 of this administrative regulation may receive a salary increase as outlined below except that after the salary increase the employee's salary shall not be below the minimum of the new pay grade:

(a) Five (5) percent uniformly applied within the agency;

(b) Ten (10) percent uniformly applied within the agency;

(c) A dollar amount determined by the Commissioner of Personnel uniformly applied in the class within the same agency.

(8) **Other salary adjustments.**

(a) An appointing authority, with the approval of the commissioner, may grant a salary adjustment to an employee who was eligible for but did not receive at least a five (5) percent salary advancement due to reallocation to a higher grade, implementation of a special entrance rate, class grade changes, effective on or after January 3, 1986 or completion of a promotional probationary period. In no case may the salary adjustment be more than five (5) percent nor be made retroactive to the original effective date but shall be made effective on the first of the month following approval of the commissioner.

(b) Subject to approval by the commissioner, an appointing authority may request a five (5) percent salary adjustment when a special entrance rate is established under Section 7(3) of this administrative regulation.

SECTION 4. SALARY ADVANCEMENTS.

(1) **Probationary increments.** Full-time and part-time employees who complete an initial probationary period with satisfactory performance shall be granted an increment at the beginning of the month following completion of the probationary period, except as specified under Section 2(3) of this administrative regulation. The service may be provisional or probationary.

(2) **Annual increment dates shall be established:**

(a) Following completion of an initial probationary period, with satisfactory performance, or following completion of twelve (12) months service from the date of appointment, reinstatement, or reemployment, pursuant to Section 2(3) of this administrative regulation.

(b) When an employee returns from leave without pay pursuant to subsection (4) of this section.

(3) **Annual increment dates will not change when an employee:**

(a) Is in a position which is assigned a new or different salary grade;

(b) Receives a salary adjustment as a result of his position being reallocated;

(c) Is transferred;

(d) Receives a demotion;

(e) Is approved for detail to special duty;

(f) Receives an educational achievement award;

(g) Returns from military leave;

(h) Is reclassified; or

(i) Is promoted or receives a promotional increase after completion of a promotional probationary period.

(4) **Return from leave without pay.** Employees returning to duty from leave without pay shall receive an annual increment when they have completed twelve (12) months of service since the date they last received an annual increment.

(5) **Service computation.** In computing service for the purpose of determining annual increment eligibility, in those cases where an employee is changed from part time to full time, part-time service shall be counted in determining increment eligibility for a full-time employee. In those cases where an employee is changed from full time to part time, full-time service shall be counted in determining increment eligibility for a part-time employee.

SECTION 5. EDUCATIONAL ACHIEVEMENT AWARD

The participation of an appointing authority in the program for educational achievement awards is contingent upon adequate funding, to be determined by the appointing authority through the budgetary process, for all eligibles within the agency. Upon request of the appointing authority and subject to the approval of the commissioner, a permanent employee, with status may receive one (1) lump sum educational achievement award per fiscal year:

(1) For satisfactorily completing outside of work hours 260 classroom hours (or the equivalent as determined by the commissioner) of job related instruction in approved courses. Approved courses, must have been completed after a merit employee initially gained permanent status in state government. Employees shall not receive credit for courses taken while on educational leave, for hours paid for by the agency through tuition assistance, or for courses which previously counted toward an educational achievement award. The lump sum educational achievement award shall be ten (10) percent of the employee's annual base salary but not more than \$2,500. The lump sum payment shall be granted only if the 260 classroom hours (or equivalent) have been completed within the past five (5) years prior to the effective date of the

increase; or

(2) For receiving outside of work hours an approved high school diploma, high school equivalency certificate, or a passing score on the GED test. The approved diploma, certificate, or passing score must have been obtained on or after January 1, 1984 while in state service. Employees receiving an approved high school diploma, high school equivalency certificate, or a passing score on the GED test shall receive a lump sum educational achievement award of ten (10) percent of their annual base salary but not more than \$2,500. A high school level educational achievement award shall not be granted to employees who present new credentials but have previously:

(a) Received a high school diploma, high school equivalency certificate, or a passing score on the GED test; or

(b) Completed college course work on the undergraduate or graduate level.

(3) An employee who has successfully completed the Kentucky Certified Public Manager Program offered by Governmental Services Center at Kentucky State University shall receive one (1) lump sum educational achievement award. The lump sum educational achievement award shall be ten (10) percent of the employee's annual base salary but not more than \$2,500.

(4) To apply for an educational achievement award an employee shall submit the educational achievement request form DPT-10 or its equivalent, demonstrating completion of 260 classroom hours (or the equivalent together with official transcripts or grade reports for the courses completed) to the appointing authority or his designee. In compliance with the standards set forth in this administrative regulation, the appointing authority may recommend the application for approval and may forward the documentation to the Commissioner of the Department of Personnel for final approval.

A lump sum educational achievement award shall not be added to the employee's base salary or wages.

SECTION 6. SALARY SCHEDULE ADJUSTMENT

When the commissioner authorizes an adjustment of all grades in the pay schedule, employees who are below the new minimum rates shall have their salaries adjusted at least to the minimum rates of their grades. The commissioner may authorize a salary increase for those employees who are at or above the minimum rate based upon the availability of funds. Such increase shall be determined by the commissioner by pay grade, and shall be uniform for all eligible employees within each pay grade.

SECTION 7. CLASS REEVALUATION AND GRADE ADJUSTMENT

(1) Class reevaluation is the assignment of a different pay grade to a class based upon a change in relation to other classes or to labor market conditions.

(2) Change in pay grade. Whenever it becomes necessary to assign a class a different pay grade due to changes defined in subsection (1) of this section, the commissioner may make a new or different pay grade applicable to a class of positions. Persons currently employed in positions of that class at the effective date of the change in pay grade shall have their salary placed at least at the minimum salary of the higher grade, and may be eligible for a salary adjustment under Section 3(7) of this administrative regulation. In no event shall an employee's salary be placed at a rate less than he received prior to the change in the pay grade. Employees in a class assigned to a lower pay grade through class reevaluation shall retain their current salary.

(3) Recruitment difficulties. Whenever the commissioner determines that it is not

possible to recruit qualified employees at the established entrance salary in a specific area or for a specific class, he may, at the request of the appointing authority, authorize the recruitment for a class of position at a higher rate in the pay grade, provided that all other employees in the same class of position in the same agency in the same county are adjusted in salary to the same rate.

SECTION 8. PAID OVERTIME

Overtime for which pay is authorized shall be in accordance with 101 KAR 2:100, Section 4, and the Fair Labor Standards Act 29 USC §201, et seq. and have the approval of the Commissioner of Personnel and the Secretary of the Finance and Administration Cabinet. Overtime payments shall not be added to base salary or wages.

SECTION 9. MAINTENANCE AND MAINTENANCE ALLOWANCE

In each case where an employee or the employee and his family are provided with full or part maintenance, consisting of one (1) or more meals per day, lodging or living quarters, and domestic or other personal services, such maintenance shall be treated as part payment. The value of these services shall be deducted from the appropriate salary rate in accordance with a maintenance schedule developed by the commissioner after consultation with the appointing authority and the Secretary of the Finance and Administration Cabinet.

SECTION 10. SUPPLEMENTAL SHIFT PREMIUM

Upon request of the appointing authority, the commissioner may authorize the payment of a supplemental shift premium for those job classifications in which employees are directed to work an evening or night shift. Once authorized, this premium shall apply to those employees directed to work

an evening or night shift in a job classification in the agency for which the shift premium was approved. An employee shall not receive a supplemental shift premium subsequent to shift reassignment or to a transfer, promotion or demotion to a position that is ineligible for a shift differential premium payment.

SECTION 11. DISTINGUISHED SERVICE AWARD

(1) Appointing authorities may utilize up to fifty (50) percent of funds saved through a combination of high performance levels and staff reduction to grant distinguished service awards to employees. No more than twenty-five (25) percent of the employees in an agency shall be eligible for a distinguished service award in a fiscal year. Distinguished service awards shall also be contingent upon the availability of surplus funds within the appointing authority's budget and shall be within the sole discretion of the appointing authority. A distinguished service award shall equal three (3) percent of the midpoint of the grade level of the employee and shall be added to the employee's base salary, if that salary is below the midpoint, or paid in a lump sum if the employee's salary exceeds the midpoint.

(2) An employee may be eligible for a distinguished service award if:

(a) The employee has at least forty-eight (48) months service, twenty-four (24) of which must be current; and

(b) Has demonstrated a sustained level of exceptional job performance; or

(c) Has assumed a significant level of additional job responsibilities or duties and performed them in an acceptable manner; or

(d) The appointing authority feels that the employee's acts or ideas have resulted in a significant financial savings or improvement in services to the Commonwealth and its citizens.

(3) An employee shall be eligible for only one (1) distinguished service award in a twenty-four (24) month period.

(4) In order to grant a distinguished service award the appointing authority shall submit the personnel action form and written justification. The award shall not be granted until the request is approved by the Commissioner of Personnel. (18 Ky.R. 3549; eff. 8-1-92; Am. 21 Ky.R. 1739; 2091; eff. 2-8-95; 22 Ky.R. 1663; eff. 5-16-96.)

101 KAR 3:045

COMPENSATION PLAN AND COMPENSATION INCENTIVE SYSTEMS.

RELATES TO: KRS 18A.155

STATUTORY AUTHORITY: KRS 18A.155(1)(b)

NECESSITY AND FUNCTION: KRS 18A.155 requires the Commissioner of Personnel to submit to the Governor proposed administrative regulations for persons in positions enumerated in KRS 18A.115(1)(g), (h), (i), (j), (k), (p), (u) and (v).

SECTION 1. CLASSIFICATION PLAN.

The principles and provisions of 101 KAR 2:020 shall apply to positions in the unclassified service.

SECTION 2. COMPENSATION PLAN.

(1) With the exception of the provisions of Section 3 of this administrative regulation relating to probationary increments, the principles and provisions of 101 KAR 2:036 shall apply to employees and positions in the unclassified service. An employee in the unclassified service who completes the initial six (6) month period following appointment with satisfactory performance may be granted a statutory increment at the beginning of the month following completion of such period.

(a) An employee who was eligible for but did not receive a five (5) percent salary advancement as the result of any of the following actions: promotional increase, reallocation, or class grade changes, on or after January 3, 1986, may have his salary adjusted upon request by the appointing authority and approval by the

commissioner. In no case may the salary adjustment be made retroactive to the original effective date but shall be granted on the first of the month following approval of the increase.

(b) Inasmuch as the appointing authority has the option of not providing salary increases under this section, an eligible employee whose salary is not adjusted is not considered to have been penalized and therefore shall have no basis for appeal.

(c) An appointing authority, with the approval of the commissioner, may grant a salary adjustment, equivalent to the budgeted annual increment for classified employees, to seasonal, temporary, FFTL and other unclassified employees who have completed twelve (12) months total full-time employment in the classified or unclassified service without a salary increase. The salary adjustment, if granted, shall be effective on the first day of the month following approval of the increase.

(2) Physicians, employed as such and pursuant to KRS 64.655, shall be exempt from the provisions of 101 KAR 2:036, Section 1, and may be appointed to any rate within the pay range when justified in writing by the appointing authority and approved by the commissioner.

SECTION 3. EDUCATIONAL ACHIEVEMENT AWARD.

Upon request of the appointing authority and subject to the approval of the commissioner:

(1) An employee may receive one (1) lump sum educational achievement award per fiscal year for satisfactorily completing outside of work hours, 260 classroom hours (or the equivalent as determined by the commissioner) of job related instruction in approved courses. Approved courses must have been completed after an employee

initially served six (6) months in state government. Employees shall not receive credit for hours taken while on educational leave, for hours paid for by the agency through tuition assistance, or for hours which previously counted toward an educational achievement award. The lump sum educational achievement award shall be ten (10) percent of the employee's annual base salary but not more than \$2,500. The lump sum payment shall be granted only if the 260 classroom hours (or equivalent) have been completed within the past five (5) years prior to the effective date of the increase; or

(2) An employee may receive one (1) lump sum educational achievement award for earning an approved diploma, high school equivalency certificate, or a passing score on the G.E.D. test. The approved high school diploma, certificate, or passing score shall have been obtained by the state employee on or after January 1, 1984 while in state service. Employees receiving an approved high school diploma, high school equivalency certificate, or a passing score on the G.E.D. test shall receive a lump sum educational achievement award of ten (10) percent of their annual base salary but not more than \$2,500. A high school level educational achievement award shall not be granted to employees who present new credentials but have previously:

(a) Received a high school diploma, high school equivalency certificate, or a passing score on the G.E.D. test; or

(b) Completed college course work on the undergraduate or graduate level.

(3) An employee who has successfully completed the Kentucky Certified Public Manager Program offered by Governmental Services Center at Kentucky State University shall receive one (1) lump sum educational achievement award. The lump sum educational achievement award shall be ten (10) percent of the employee's annual base

salary but not more than \$2,500.

(4) To apply for an educational achievement award an employee shall submit supporting documentation to the appointing authority or his designee on a DPT Form 10 or its equivalent, demonstrating completion of 260 classroom hours (or the equivalent) together with official transcripts or grade reports for the courses completed. As provided by this section, the appointing authority may recommend the application for approval and may forward the documentation to the Commissioner of the Department of Personnel for final approval. (17 Ky.R. 1248; Am. 2173; eff. 12-6-90; 21 Ky.R. 1742; 2094; eff. 2-8-95; 22 Ky.R. 1666; eff. 5-16-96.)